



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2401322
Applicant Name : Martha Rose
Address of Proposal: 3017 NW Esplanade

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel containing two single family residences into two parcels with one single family residence on each in an environmentally critical area. Proposed parcel sizes are 3,061 square feet and 5,574 square feet.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, (23.24.046) Seattle Municipal Code).

SEPA – Environmental Determination

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The approximately 8600 square foot project site is located in a single-family residential zone with a minimum lot size of 7,200 square feet, located on NW Esplanade northwest Seattle. The adjacent portion of NW Esplanade is paved, but lacks curbs, gutters, sidewalks and planting strips on both sides of the street. There are two existing houses on the site, which are to remain.

An unimproved sixteen (16) foot alley abuts the rear of the property. Existing vehicle access is from NW Esplanade. Each house has parking. The lot slopes upward about 17 feet from NW Esplanade to the alley in the rear of the property. Surrounding properties and blocks are also zoned SF 7200. Development in the area consists of a variety of one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations. Two houses were legally recognized on the site pursuant to an establish use for the record process under Project #8901187. There was a subsequent STFI permit to remove encroachments into the alley under Project #8903413.

Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are indicated in the summary above. Proposed parcels A and B will have direct pedestrian and vehicle access to NW Esplanade. The existing single family residences will remain. Vehicle access is also to remain as is off of NW Esplanade. The existing curbcuts will remain.

Public Comment

Notice of the proposal was published on 29 April 2004. The required public comment period ended on 12 May 2004. Five comment letters were received. One simply requested a copy of the project decision, and a second expressed “no objection” to the project. Three letters expressed concern about the lots being under the minimum lot area required in the zone. Two expressed concern about the precedential effect of potential approval, and about the changed baseline for lot size in the area that would result. One letter expressed concern about the portions of development in the alley associated with one of the proposed lots.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

Summary - Short Subdivision

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), Fire Departments (SFD), Seattle City Light, and Parks and review by the Land Use Planner, the applicable above cited criteria (#7 is inapplicable) have been met subject to the conditions imposed at the end of this decision. This short subdivision will not meet all development standards or applicable exceptions as set forth in the Land Use Code, but it is consistent with SMC Section 23.24.046 (see below) as authorized by #8 above. The site has been granted a limited steep slope exemption, and ECA provisions are satisfied. As conditioned, this short subdivision would be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal would be provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal complies with the applicable regulations of SMC 25.09.240.

Trees on site will not be affected by the proposal. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

SMC 23.24.046

Subsection B of the SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, Establishing nonconforming status;*

Two houses have been legally recognized pursuant to an establish use for the record permit.

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

Confirmed by the above-referenced permit process.

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Satisfied.

4. *Parking is provided in accordance with Section 23.44.016, Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*

Parking provided in accordance with SMC 23.44.016, so the provisions of this section are met.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*
- a. Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
 - b. No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

Satisfied, other than that a portion of development on both parcels (concrete blocks, concrete wall, fences) intrudes into the alley. Prior to recording the short plat, the owner(s) and/or responsible party(s) must document to DPD that Seattle Department of Transportation (SDOT) has approved the location of these developments.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

(Following SEPA determination)

SEPA DETERMINATION

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 19 April 2004. The information in the checklist, a Geotechnical Report prepared by Dennis Bruce, dated 2 April 2004, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical

Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Document to DPD that Seattle Department of Transportation (SDOT) has approved the location of all developments in the public rights-of-way.

After Recording and Prior to Issuance of a Building Permit

4. Attach a copy of the recorded subdivision to all future building permit application plans.

NON-APPEALABLE ZONING CONDITION:

1. The owner(s) and/or responsible party(s) shall provide a no-protest agreement for potential future improvement of NW Esplanade.
2. Shall provide City Light easement if required.

Signature: _____ (signature on file) Date: June 3, 2004
Paul Janos, Land Use Planner
Department of Planning and Development (DPD)

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